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August 18, 2006

By UPS overnight mail
(Monday delivery)

Vernon A. Williams, Secretary
Surface Transportation Board
Case Control Unit, Suite 713
1925 K Street, N.W.
Washington, DC 20423-0001

ENTERED
Office of Proceedings
AUG 21 2006
Part of
Public Record



Re: Finance Docket No. 34890, *PYCO Industries, Inc. -- Feeder Line Acquisition -- South Plains Switching, Ltd. Co.*

Dear Mr. Williams:

Enclosed please find an original and 10 copies of Motion For Rejection Of Proposed "Modifications" Of Trackage In Alternative Two, for filing with the Board in the above referenced matter.

Very truly yours,

Tom McFarland

Thomas F. McFarland
Attorney for South Plains
Switching, Ltd. Co.

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BEFORE THE
SURFACE TRANSPORTATION BOARD

PYCO INDUSTRIES, INC. -- FEEDER)
LINE ACQUISITION -- SOUTH PLAINS) FINANCE DOCKET
SWITCHING, LTD. CO.) NO. 34890

**MOTION FOR REJECTION OF PROPOSED
“MODIFICATIONS” OF TRackage IN ALTERNATIVE TWO**

SOUTH PLAINS SWITCHING, LTD. CO.
P.O. Box 64299
Lubbock, TX 79464-4299

Respondent

THOMAS F. McFARLAND
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Attorney for Respondent

DATE FILED: August 21, 2006

BEFORE THE
SURFACE TRANSPORTATION BOARD

PYCO INDUSTRIES, INC. -- FEEDER)	
LINE ACQUISITION -- SOUTH PLAINS)	FINANCE DOCKET
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**MOTION FOR REJECTION OF PROPOSED
“MODIFICATIONS” OF TRACKAGE IN ALTERNATIVE TWO**

Pursuant to 49 C.F.R. § 1117.1, Respondent South Plains Switching, Ltd. Co. (SAW) hereby moves that the Board reject proposed “modifications” of the trackage to be encompassed in “Alternative Two”. The proposed “modifications” are contained in a pleading entitled “PYCO Industries, Inc.’s Modifications To Feeder Line Application Resulting From Discovery Process To Date” (“Modifications”), filed by PYCO Industries, Inc. (PYCO) on August 12, 2006. SAW submits the following in support of this Motion.

On June 14, 2006, PYCO submitted a revised feeder line application (RFLA) for specified trackage referred to as “Alternative Two”. In a decision served July 3, 2006, the Board accepted that RFLA for filing, and provided that verified statements and comments addressing that RFLA could be filed by August 2, 2006. On August 2, 2006, SAW filed a “Statement In Opposition To Revised Feeder Line Application”.

The Board's decision served July 3, 2006 also provided that within 7 days after receiving responses to its discovery, PYCO could file "(a)ny amendment . . . to its valuation of the rail lines, based on the discovery responses" (Ordering Paragraph No. 6 at 7).^{1/}

On August 12, 2006, PYCO filed the pleading referred to above as "Modifications" for short. That pleading contained amendments of PYCO's valuation of the trackage constituting Alternative Two. Those amendments are permissible in accordance with the Board's decisions served July 3, 2006 and July 13, 2006. This Motion is not directed to those amendments.

This Motion is directed at additional amendments or "modifications" contained in that pleading that are not authorized by those Board decisions. As stated in the PYCO pleading itself (at 4):

The chief modification . . . is with respect to the property to be acquired under Alternative Two.

This is no small modification -- PYCO now seeks to acquire "the remainder of the (SAW) yard and "wye" areas as additional trackage under Alternative Two ("Modifications" at 5).

That proposed amendment or "modification" is unauthorized and unjustified. SAW has made its case in opposition to Alternative Two (August 2 filing). If Alternative Two is now going to be expanded to encompass substantial additional trackage, procedural due process would require that SAW be allowed to provide evidence and argument with respect to the new proposed Alternative Two. At a minimum, the proposed expanded Alternative Two would have significant effects on the public-convenience-and-necessity criteria in 49 U.S.C.

§§ 10907(c)(1)(C) and (D) (adverse financial effect on SAW and overall operational effect on

^{1/} That provision was essentially repeated in a Board decision served July 13, 2006 (Ordering Paragraph No. 3 at 3).

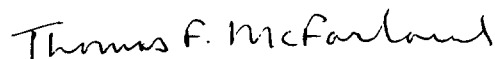
SAW). PYCO's proposed amendment of the trackage encompassed in Alternative Two comes much too late in the orderly processing of its RFLA.

WHEREFORE, the proposed amendments or modifications of the trackage encompassed in Alternative Two should be rejected.

Respectfully submitted,

SOUTH PLAINS SWITCHING, LTD. CO.
P.O. Box 64299
Lubbock, TX 79464-4299

Respondent



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Attorney for Respondent

DATE FILED: August 21, 2006

CERTIFICATE OF SERVICE

I certify that on August 18, 2006, I served the foregoing document, Motion For Rejection Of Proposed "Modifications" Of Trackage In Alternative Two, by UPS overnight mail, on the following:

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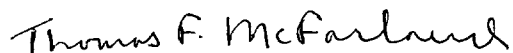
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